

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

FILED
RICHARD W. NAGEL
CLERK OF COURT

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UNITED STATES OF AMERICA
vs.

OUSMANE KONE

CASE NO. 2:23-cr-210 U.S. DISTRICT COURT
SOUTHERN DISTRICT
OF OHIO-COLUMBUS
JUDGE MARBLEY

SUPERSEDING INDICTMENT

18 U.S.C. § 2
18 U.S.C. § 371
18 U.S.C. § 922(a)(1)(A)
18 U.S.C. § 922(a)(5)
18 U.S.C. § 922(a)(6)
18 U.S.C. § 924(a)(1)(D)
18 U.S.C. § 924(a)(2)
18 U.S.C. §§ 2252(a)(2) & (b)(1)

FORFEITURE ALLEGATION

THE GRAND JURY CHARGES:

COUNT 1
(Conspiracy)

1. Beginning in or around April 1, 2023, and continuing through at least July 1, 2023, the exact dates being unknown to the Grand Jury, in the Southern District of Ohio and elsewhere, the defendant, **OUSMANE KONE**, did knowingly and willfully combine, conspire, confederate and agree with other persons, both known and unknown to the Grand Jury, to commit certain offenses against the United States, to wit:

- a. Making a false statement in connection with the acquisition of a firearm, in violation of 18 U.S.C. § 922(a)(6); and

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- b. Transferring, selling, giving, transporting, and delivering firearms to persons not residing in the State where the transferor resides, in violation of 18 U.S.C. § 922(a)(5).

OBJECTS OF THE CONSPIRACY

2. One of the objects of the conspiracy was to obtain firearms through both illegal means (*e.g.*, straw purchases) and legal means (*e.g.*, private sales) in the State of Ohio.
3. One of the objects of the conspiracy was to transfer these firearms to individuals residing outside the State of Ohio.

MANNER AND MEANS OF THE CONSPIRACY

4. The manner and means by which this conspiracy was carried out included the following:
 5. It was part of the conspiracy that the co-conspirators had different responsibilities. Among these were straw purchaser and reseller, further described as follows:

- a. A straw purchaser is an individual who is legally permitted to purchase firearms. Straw purchasers acquire firearms at a licensed firearm dealer, or federal firearms licensee (“FFL”), by signing a document, the Firearms Transaction Record of the Bureau of Alcohol, Tobacco, Firearms, and Explosives, United States Department of Justice (“ATF”), commonly referred to as the ATF Form 4473 (“ATF Form 4473”), affirming that they are the intended owner and transferee of the firearm. After acquiring a firearm, the straw purchaser, in violation of federal law, transfers and/or sells the firearm to individuals who otherwise would be unable to purchase or acquire firearms.

b. A reseller sells firearms for profit on behalf of the conspiracy, to individuals who are otherwise unable to legally acquire firearms because of their prior felony convictions or other prohibitions.

6. It was further part of the conspiracy that SEMA'J ANTTWON GRIFFIN (not named in this Superseding Indictment) agreed with **OUSMANE KONE** to act as a straw purchaser of firearms in the State of Ohio as part of **OUSMANE KONE**'s plan to traffic firearms.

7. It was further part of the conspiracy that **OUSMANE KONE** and SEMA'J ANTTWON GRIFFIN engaged in a pattern of purchasing firearms from various FFLs in the Central Ohio area by providing materially false information on the ATF Form 4473. In order to acquire firearms from the FFLs, SEMA'J ANTTWON GRIFFIN falsely indicated on this same ATF Form 4473 that SEMA'J ANTTWON GRIFFIN was the actual transferee/buyer of the firearm(s) listed on the form, knowing then and there that he was buying the firearm for **OUSMANE KONE**.

8. It was further a part of the conspiracy that **OUSMANE KONE** provided SEMA'J ANTTWON GRIFFIN with U.S. currency for the purchase of the firearms, and with additional U.S. currency above the purchase price for his agreement to purchase the firearms.

9. It was further a part of the conspiracy that **OUSMANE KONE** and SEMA'J ANTTWON GRIFFIN used several different mobile telephone numbers and/or communication applications (otherwise known as "apps") to communicate with each other regarding firearms purchases in an effort to avoid law enforcement detection.

10. It was further part of the conspiracy that **OUSMANE KONE** purchased firearms from private individuals in the State of Ohio.

11. It was further part of the conspiracy that **OUSMANE KONE** transported, transferred, and resold the firearms he obtained through straw purchases and private sales to individuals residing outside the State of Ohio, including individuals residing in New York and/or Canada, for a profit.

OVERT ACTS IN FURTHERANCE OF THE CONSPIRACY

12. In furtherance of the conspiracy, and in order to effect the objects thereof, **OUSMANE KONE** and others, in various combinations, directly and indirectly, within the Southern District of Ohio and elsewhere, committed overt acts, including, but not limited to, the following:

13. On or about April 17, 2023, SEMA'J ANTTWON GRIFFIN purchased the following firearm at Alpha Star Tactical LLC, an FFL located at 6287 Busch Blvd., Columbus, Ohio, 43229: a Ruger manufactured, model LC9S, 9 mm pistol with a serial number of 329-42700. This firearm was then transferred to **OUSMANE KONE**. This firearm was recovered on or about June 2, 2023, in Etobicoke, Ontario, Canada. The time-to-recovery for this firearm was 46 days. (The phrase “time-to-crime recovery” refers to the period between the last documented retail transaction regarding the firearm and the date the firearm is recovered by law enforcement.)

14. On or about April 20, 2023, **OUSMANE KONE** purchased the following firearm from an individual located in Columbus, Ohio: a Sarsilmaz, model B6C, 9mm semi-automatic pistol, with serial number of T1102-21G53760. This firearm was recovered on or about September 12, 2023, in Toronto, Ontario, Canada. The time-to-crime recovery for this firearm was 145 days.

15. On or about April 29, 2023, **OUSMANE KONE** purchased the following firearm from an individual located in Pataskala, Ohio: a HS Produkt, model XDM Elite, 9mm semi-

automatic pistol, with serial number of BB284234. This firearm was recovered on or about March 7, 2024, in Thunder Bay, Ontario, Canada. The time-to-crime recovery for this firearm was 313 days.

16. On or about April 29, 2023, **OUSMANE KONE** purchased the following firearm from an individual located in Columbus, Ohio: a Walther, model PDP Compact, 9mm semi-automatic pistol, with serial number of FDN3692. This firearm was recovered on or about May 25, 2023, in Sault Ste Marie, Ontario, Canada. The time-to-crime recovery for this firearm was 26 days.

17. On or about May 6, 2023, **OUSMANE KONE** purchased the following firearm from an individual located in Columbus, Ohio: a Smith and Wesson, model M&P 9 M2.0, 9mm semi-automatic pistol, with serial number of NML6255. This firearm was recovered on or about October 9, 2023, in Terrebonne, Quebec, Canada. The time-to-crime recovery for this firearm was 156 days.

18. On or about May 6, 2023, **OUSMANE KONE** purchased the following firearm from an individual located in Newark, Ohio: a Glock, model 43X, 9mm semi-automatic pistol, with serial number of BRHR499. This firearm was recovered on or about May 12, 2023, in Central Region, Ontario, Canada. The time-to-crime recovery for this firearm was 6 days.

19. On or about May 29, 2023, **OUSMANE KONE** purchased the following firearm from an individual located in Columbus, Ohio: a Canik, model Mete MC9, 9mm semi-automatic pistol, with serial number of 23CT00637. This firearm was recovered on or about February 3, 2024, in London, Ontario, Canada. The time-to-crime recovery for this firearm was 250 days.

20. On or about June 3, 2023, **OUSMANE KONE** purchased the following firearm from an individual located in Lewis Center, Ohio: a CZ, model CZ P-10 F, .45 caliber semi-

automatic pistol, with serial number of F348150. This firearm was recovered on or about September 26, 2023, in Toronto, Ontario, Canada. The time-to-crime recovery for this firearm was 115 days.

21. On or about June 4, 2023, SEMA'J ANTTWON GRIFFIN purchased the following firearms at Lev's Pawn Shop, doing business as Central Ohio Scrap Metal Company Inc., located at 3446 E. Main Street, Columbus, Ohio, 43213: an HS Produkt (IM Metal), model XDS, 9mm pistol, with serial number AT110960; a Ruger model Security 9, 9mm pistol, with serial number 382-46851; a Smith and Wesson model SD9VE, 9mm pistol with serial number FYD1385; a Glock GMBH, model 23Gen5, .40 caliber pistol, with serial number BVCZ381; a Taurus model PT709 Slim, 9mm pistol with serial number TKM64118; a Glock Inc. model 42, .380 caliber pistol with serial number ADVW808; a Taurus model PT111G2A, 9mm pistol, with serial number ABC350431; and an Alex Pro Firearms, LLC, model APF-15, .556 caliber pistol, with serial number AM020870. These firearms were then transferred to **OUSMANE KONE**. The HS Produkt (IM Metal), model XDS, 9mm pistol, with serial number AT110960, was recovered on or about June 23, 2023, in Toronto, Ontario, Canada. The time-to-recovery for this firearm was 19 days.

22. On or about June 20, 2023, SEMA'J ANTTWON GRIFFIN purchased the following firearms at Mike's Pawn Shop LLC, an FFL located at 3745 Cleveland Ave., Columbus, Ohio 43224: a Glock Inc., model 43, 9mm pistol, with serial number of AGUF157; an HS Produkt (IM Metal), model Hellcat, 9mm pistol, with serial number BA352223; and a HS Produkt (IM Metal), model Hellcat, 9mm pistol, with serial number BB239771. These firearms were then transferred to **OUSMANE KONE**.

23. On or about June 20, 2023, SEMA'J ANTTWON GRIFFIN purchased the following firearms at Vance Outdoors, dba Vance Retail LLC, an FFL located at 4250 Alum Creek Dr., Obetz, Ohio 43207: a Glock GMBH, model 26GEN4, 9mm pistol, with serial number TZL034; a Glock GMBH, model 17, 9mm pistol, with serial number RVA036; a Glock GMBH, model 27, .40 caliber pistol, with serial number PNP685; and a Glock GMBH, model 27, .40 caliber pistol, with serial number FKU877. These firearms were then transferred to **OUSMANE KONE**.

24. On or about June 20, 2023, SEMA'J ANTTWON GRIFFIN purchased the following firearms at Vance Outdoors, dba Vance Retail LLC, an FFL located at 3723 Cleveland Ave., Columbus, Ohio 43224: a Glock GMBH, model 48, 9mm pistol, with serial number BRUE897; a Glock Inc. model 43, 9mm pistol, with serial number AHLT620; and a Glock Inc., model 43, 9 mm pistol, with serial number AHFF131. These firearms were then transferred to **OUSMANE KONE**.

25. Between the dates of June 20, 2023 and June 23, 2023, SEMA'J ANTTWON GRIFFIN purchased the following firearms at Lev's Pawn Shop, doing business as Central Ohio Scrap Metal Company Inc., located at 3446 E. Main Street, Columbus, Ohio, 43213: a Glock GMBH, model 27, .40 caliber pistol, with serial number CSB473US; a Romarm/CUGIR, model Micro Draco, .762 caliber pistol, with serial number 22PMD-29809; a Romarm/CUGIR, model Micro Draco, .762 caliber pistol, with serial number 22PMD-29712; and a Romarm/CUGIR, model Micro Draco, .762 caliber pistol, with serial number 22PMD-29852. These firearms were then transferred to **OUSMANE KONE**.

In violation of 18 U.S.C. § 371.

COUNT 2
(Engaging in the Business of Selling Firearms Without a License)

26. Beginning on or about April 6, 2023, and continuing through July 1, 2023, the exact dates being unknown to the Grand Jury, in the Southern District of Ohio and elsewhere, the defendant, **OUSMANE KONE**, not being a licensed dealer of firearms, did willfully engage in the business of dealing in firearms.

In violation of 18 U.S.C. §§ 922(a)(1)(A) and 924(a)(1)(D).

COUNT 3
(Aiding and Abetting a False Statement During the Purchase of a Firearm)

27. On or about June 20, 2023, in the Southern District of Ohio, the defendant, **OUSMANE KONE**, did knowingly aid, abet, counsel, command, induce, and procure the commission of an offense against the United States, to wit: the knowing provision of a false and fictitious written statement by SEMA'J ANTTWON GRIFFIN to Vance Outdoors, a Federally Licensed Firearms Dealer within the meaning of Chapter 44, Title 18, United States Code, in connection with the acquisition of a firearm or firearms, specifically, a Glock GMBH, model 26GEN4, 9mm pistol, with serial number TZL034; a Glock GMBH, model 17, 9mm pistol, with serial number RVA036; a Glock GMBH, model 27, .40 caliber pistol, with serial number PNP685; and a Glock GMBH, model 27, .40 caliber pistol, with serial number FKU877, which statement was intended and likely to deceive Vance Outdoors as to a fact material to the lawfulness of such sale of each firearm to SEMA'J ANTTWON GRIFFIN under Chapter 44, of Title 18, in that SEMA'J ANTTWON GRIFFIN represented that he was the actual transferee/buyer of each firearm when, in fact, he was purchasing it on behalf of **OUSMANE KONE**.

In violation of 18 U.S.C. §§ 922(a)(6), 924(a)(2), and 2(a).

COUNT 4
(Distribution and Receipt of Child Pornography)

28. On or about May 17, 2023, in the Southern District of Ohio, the defendant, **OUSMANE KONE**, did knowingly distribute and receive one or more visual depictions using any means and facility of interstate and foreign commerce, including the internet and a cellular phone, the production of such visual depictions having involved the use of a minor engaging in sexually explicit conduct, as defined in 18 U.S.C. § 2256(2)(A), and such depictions being of such conduct, to wit: video files depicting Minor Victim One, an approximately sixteen-year-old female, engaged in sexual intercourse and the lascivious exhibition of the anus, genitals, and pubic area.

In violation of 18 U.S.C. §§ 2252(a)(2) & (b)(1).

FORFEITURE ALLEGATION

29. The allegations of this Superseding Indictment are realleged and by this reference fully incorporated herein for the purpose of alleging forfeitures to the United States of America pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c).

30. Upon conviction of any offense alleged in Counts One through Three of this Superseding Indictment, the defendant **OUSMANE KONE**, shall forfeit to the United States, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), all firearms and ammunition involved in or used in such offense, including, but not limited to, all firearms, magazines, and ammunition seized from **OUSMANE KONE**'s residence located at 5780 Millbank Road, Unit B, Columbus, Ohio on or about July 1, 2023, including:

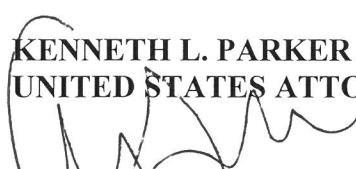
- a. An HS Produkt (IM Metal) Hellcat 9mm pistol, bearing serial number BB239771;
- b. A Glock GMBH 26GEN4, 9mm pistol, bearing serial number TZL034;

- c. A Glock Inc. 48, 9mm pistol, bearing serial number BRUE897;
- d. A Glock Inc. 27, .40 caliber pistol, bearing serial number CSB473US;
- e. A Glock GMBH 43, 9mm pistol, bearing serial number AHFF131;
- f. A Glock Inc. 27, .40 caliber pistol, bearing serial number PNP685;
- g. A Glock GMBH 43, 9mm pistol, bearing serial number AHLT620;
- h. A Glock GMBH 43, 9mm pistol, bearing serial number AGUF157;
- i. A Glock GMBH 17, 9mm pistol, bearing serial number RVA036;
- j. A Glock GMBH 27, .40cal pistol, bearing serial number FKU877;
- k. An HS Produkt (IM Metal) Hellcat 9mm pistol, bearing serial number BA418822;
- l. An HS Produkt (IM Metal) Hellcat 9mm pistol, bearing serial number BA352223;
- m. A Kahr Arms – Auto Ordnance P380, .380 caliber pistol, bearing serial number RC4404;
- n. An American Tactical Imports - ATI Mil-Sport, 300 caliber rifle, bearing serial number MSA101419;
- o. A Romarm/Cugir Micro Draco, .762 caliber pistol, bearing serial number 22PMD-29712;
- p. A Romarm/Cugir Micro Draco, .762 caliber pistol, bearing serial number 22PMD-29852;
- q. A Zastava ZPAP92, .762 caliber pistol, bearing serial number Z92-103079;
- r. An SCCY Industries, LLC (SKYY IND.), CPX-2, 9mm pistol, with no discernable serial number; and
- s. Assorted magazines and ammunition, including:
 - i. Approximately 739 rounds of assorted caliber ammunition; and
 - ii. Approximately 11 rounds of assorted 9mm ammunition.

Forfeiture Notice pursuant to 18 U.S.C. § 924(d)(1), 28 U.S.C. § 2461(c), and Rule 32.2 of the Federal Rules of Criminal Procedure.

A TRUE BILL.

s/Foreperson
FOREPERSON


KENNETH L. PARKER
UNITED STATES ATTORNEY

TIMOTHY D. PRICHARD (0059455)
EMILY CZERNIEJEWSKI (IL 6308829)
Assistant United States Attorneys